

the public inspection file at the time that Mr. Ramirez transmitted the license renewal application for KALW to SFUSD for signature in July 1997 or whether Mr. Ramirez was aware of the presence or absence of that list in the public inspection file at that time.

20. Mr. Rojas, or someone who had authority to do so, signed his name to the original of Attachment A on page 5 on or about July 30, 1997.

ANSWER: SFUSD admits that Mr. Rojas, or someone who had authority to do so, signed his name to page 5 of the original of Attachment A to the Requests or about July 30, 1997.

21. In so signing Mr. Rojas's name to the original of Attachment A, SFUSD intended to certify that the statements in the application were true, complete and correct to the best of its knowledge and belief, and were made in good faith.

ANSWER: SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that when Mr. Rojas's name was signed to the original of Attachment A, SFUSD intended to certify that the statements in the application were true, complete and correct to the best of its knowledge and belief, and were made in good faith..

22. On or about July 30, 1997, Mr. Rojas had no personal knowledge as to whether SFUSD had placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent if calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and

ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Rojas had no personal knowledge concerning the contents of KALW's public inspection file on or about July 30, 1997. SFUSD further admits that Mr. Rojas had no personal knowledge on or about July 30, 1997 concerning when documents required to be placed in KALW's public inspection file had been placed there.

23. On or about July 30, 1997, Mr. Ramirez knew that SFUSD had not placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and ambiguous. SFUSD further objects that the word "knew" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies this Request. SFUSD further responds that on or about July 30, 1997, Mr. Ramirez believed that the public inspection file contained the documentation required by 47 C.F.R. Section 73.3527, as he understood that regulation.

24. On or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's office at KALW.

ANSWER: SFUSD admits that on or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's work area (i.e., cubicle) at KALW.


25. Prior to July 30, 1997, Mr. Helgeson provided assistance to update and maintain the


KALW public inspection file.


**ANSWER:** SFUSD objects that the phrases "provided assistance" and "update and maintain" as used in this Request are vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that prior to July 30, 1997, Mr. Helgeson sometimes assisted the General Manager in the maintenance of KALW's public inspection file.

Respectfully submitted,

**SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT**

By:   
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HOGAN & HARTSON L.L.P.  
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[Lead Counsel]

By:   
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By:   
Ernest T. Sanchez  
THE SANCHEZ LAW FIRM  
2300 M Street, N.W., Suite 800  
Washington, D.C. 20037  
Telephone: 202-237-2814

September 7, 2004

**ATTACHMENT I**

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Ms Jdill Wynns 124 Brewster St S.F. CA 94110	Member, Board of Education	U.S.	Community Activist	Elected by San Francisco voters
Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Tom Anniano 162 Prospect St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

### CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC, 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By Waldemar Rojas (L.A.)  
(SIGNATURE)

Title Superintendent of Schools

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE  
PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, 8 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Dr Leland Yee 1489 Dolores St S.F. CA 94110	Member, Board of Education	U.S.	Psychologist	Elected by San Francisco voters
Dr Dan Kelly 255 San Marcos S.F. CA 94116	Member, Board of Education	U.S.	Physician	Elected by San Francisco voters
Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av. S.F. CA 94102	Superinten- dent of Schools	U.S.	Superinten- dent	Appointed by Board of Education

## ATTACHMENT II



Approved by OMB  
3060-0084  
Expires 4/30/90

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

Ownership Report  
For Noncommercial Educational Broadcast  
Station

FOR COMMISSION USE ONLY

File No.

Name of Applicant

San Francisco Unified School District

Telephone No. (Include Area Code) (415) 841-4121

1. All of the information furnished is reported as of

January 31, 1993

(date must comply with Section 73.3615(a) when box 1(a) below is checked)

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)

(a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.

(b) By licensees or permittees within 30 Days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.

(c) By licensees or permittees within 30 days after changes in the information called for by this form.

(d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.

(e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.

2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.

3. This form should be used to report all types of transactions concerning agreements and voting control.

4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate Form 323E should be submitted to report changes in the officers and directors of such entity.

5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.

6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

This report is filed pursuant to instruction (Check One)

1(a) ☐ Renewal

(b) ☐ Transfer of Control, Assignment of License, or Construction Permit

(c) ☒ Change of prior report, for the following stations:

Call sign KALW

Type of station FM Educational

Location

City San Francisco

State CA

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

\*Corporation for Public Broadcasting

\*National Public Radio  
(Program Agreement on file)

\*Public Radio International  
(Program Agreement on file)

Name of person or organization with whom contract is made

Corporation for Public Broadcasting  
National Public Radio  
Public Radio International

Date of execution

C.P.B. Oct. 25, 1990 N.P.R.:  
P.R.I. Aug. 10, 1990 Aug. 8, 1988

Date of expiration C.P.B. continues yr to yr

N.P.R. continues yr to yr

P.R.I. continues yr to yr

3. Is the governing board directly or indirectly under the control of another entity?

☐ Yes ☒ No

If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

(None)

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Ms Jill Wynns 124 Brewster St S.F. CA 94110	Member, Board of Education	U.S.	Community Activist	Elected by San Francisco voters
Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Tom Ammiano 162 Prospect St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

### CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC, 1977.

**San Francisco Unified School District**

(NAME OF LICENSEE OR PERMITTEE)

By Waldemar Rojas (S.A.)  
(SIGNATURE)

Title Superintendent of Schools

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE  
PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, 8 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Dr Leland Yee 1489 Dolores St S.F. CA 94110	Member, Board of Education	U.S.	Psychologist	Elected by San Francisco voters
Dr Dan Kelly 255 San Marcos S.F. CA 94116	Member, Board of Education	U.S.	Physician	Elected by San Francisco voters
Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av. S.F. CA 94102	Superinten- dent of Schools	U.S.	Superinten- dent	Appointed by Board of Education

## **ATTACHMENT III**

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Ms Jill Wynns 124 Brewster St S.F. CA 94110	Member, Board of Education	U.S.	Community Activist	Elected by San Francisco voters
Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Keith Jackson 1489 Webster St #809. S.F. CA 94115	Member, Board of Education	U.S.	Student	Elected by San Francisco voters

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

### CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC., 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By Naldemar Rojas (S.A.)  
(SIGNATURE)

Title Superintendent of Schools

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PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, 8 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3607.

6. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
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Dr Dan Kelly 255 San Marcos S.F. CA 94116	Member, Board of Education	U.S.	Physician	Elected by San Francisco voters
Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av S.F. CA 94102	Superintendent of Schools	U.S.	Superintendent	Appointed by Board of Education

## ATTACHMENT IV

Approved by OMB  
3060-0084  
Expires 4/30/90

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

**Ownership Report  
For Noncommercial Educational Broadcast  
Station**

**FOR COMMISSION USE ONLY**

File No.

Name of Applicant

San Francisco Unified School District

Telephone No. (Include Area Code)

1. All of the information furnished is reported as of

January 31, 1995

(date must comply with Section 73.3615(e) when box 1(a) below is checked)

**INSTRUCTIONS**

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)
  - (a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.
  - (b) By licensees or permittees within 30 days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.
  - (c) By licensees or permittees within 30 days after changes in the information called for by this form.
  - (d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.
  - (e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.
2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.
3. This form should be used to report all types of transactions concerning agreements and voting control.
4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate Form 323E should be submitted to report changes in the officers and directors of such entity.
5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.
6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

This report is filed pursuant to instruction (Check One).

1(a) ☐ Renewal

(b) ☐ Transfer of Control,  
Assignment of License, or  
Construction Permit

(c) ☒ Change of prior report, for the following stations:

Call sign KALW

Type of station FM Educational

Location

City

San Francisco

State

CA

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

\*Corporation for Public Broadcasting

\*National Public Radio  
(Program Agreement on file)

\*Public Radio International  
(Program Agreement on file)

Name of person or organization with whom contract is made

Corporation for Public Broadcasting  
National Public Radio  
Public Radio International

Date of execution

C.P.B. Oct. 25, 1990 N.P.R.:

P.R.I. Aug. 10, 1990 Aug. 8, 1988

Date of expiration C.P.B. continues yr to yr

N.P.R. continues yr to yr

P.R.I. continues yr to yr

3. Is the governing board directly or indirectly under the control of another entity?

If "Yes", give name and nature of entity

☐ Yes ☒ No

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

(None)



5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
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Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

### CERTIFICATION

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I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC., 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By Naldemar Rojas (S.D.)  
(SIGNATURE)

Title Superintendent of Schools

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Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av S.F. CA 94102	Superintendent of Schools	U.S.	Superintendent	Appointed by Board of Education

**Certificate of Service**

I, Regina Hogan, hereby certify that on this 7<sup>th</sup> day of September, 2004, a copy of the foregoing **San Francisco Unified School District's Objections and Responses to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents** was sent by first-class mail, postage prepaid, to:

Chief Administrative Law Judge Richard L. Sippel \*  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 1-C768  
Washington, DC 20554

David H. Solomon \*  
Chief, Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 7-C485  
Washington, DC 20554

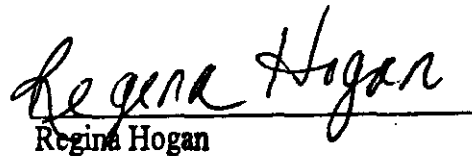
William H. Davenport \*  
Chief, Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

William D. Freedman \*  
Deputy Chief, Investigations and Hearings  
Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

James A. Shook \*  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

Dana E. Leavitt \*  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

Golden Gate Public Radio  
484 Lake Park Avenue, Box 419  
Oakland, CA 94610-2730

  
Regina Hogan

\*By Hand Delivery

**ATTACHMENT F**

**SFUSD'S REVISED OBJECTIONS AND RESPONSES TO THE ENFORCEMENT  
BUREAU'S REQUEST FOR ADMISSION OF FACTS AND GENUINENESS OF  
DOCUMENTS (OCT. 12, 2004)**

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In The Matter of	)	MB Docket No. 04-191
	)	
San Francisco Unified School District	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S REVISED OBJECTIONS AND  
RESPONSES TO ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF  
FACTS AND GENUINENESS OF DOCUMENTS**

San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, files these revised objections and responses to the Enforcement Bureau's ("Bureau") Request for Admission of Facts and Genuineness of Documents dated August 19, 2004 ("Requests"). <sup>1/</sup> SFUSD incorporates by reference the definitions set out by the Bureau in the Requests.

**GENERAL OBJECTIONS**

SFUSD objects to the Bureau's Requests as follows (collectively referred to as the "General Objections"):

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<sup>1/</sup> The necessity of revising SFUSD's previous objections and responses became apparent during the course of the recent depositions taken in San Francisco, California. Pursuant to SFUSD's informal request, the Presiding Officer issued an order on October 8, 2004, FCC 04M-32, allowing SFUSD until October 12, 2004, to amend its responses to the Bureau's Requests.

1. SFUSD objects to the Bureau's Requests to the extent that they call for information protected by the attorney-client privilege or work product doctrine.
2. SFUSD objects to the Bureau's Requests to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.
3. SFUSD objects to the Bureau's Requests to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.
4. SFUSD objects to the Bureau's Requests to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.
5. SFUSD objects to the Bureau's Requests to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. § 1.246.

Except as otherwise expressly admitted below, SFUSD denies the Bureau's Requests.

**SPECIFIC OBJECTIONS AND ANSWERS**  
**TO THE BUREAU'S REQUEST FOR ADMISSIONS**

Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Requests as follows:

1. Attachment A is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

ANSWER: SFUSD admits that Attachment A to the Requests is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

2. Mr. Ramirez oversaw preparation of the original of Attachment A.

ANSWER: SFUSD objects to this Request to the extent that the word "oversaw" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

3. At the time that he oversaw preparation of the original of Attachment A, Mr. Ramirez was general manager of KALW.

ANSWER: SFUSD objects to this Request to the extent that the word "oversaw" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

4. Mr. Ramirez intended that SFUSD should respond "yes" to question 2 of page 3 of Attachment A, which asks: "Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527?".

ANSWER: SFUSD previously objected to this Request to the extent that the word "intended" as used in the Request is vague and ambiguous. In its Motion to Rule on Objections and Denials to Admission Requests, the Bureau clarified the meaning that it ascribed to the word "intent" in the context of this admission request by stating that "either Mr. Ramirez knew that he was answering 'yes' and he intended to do so, or he checked the 'yes' box in error." Based on this explanation of the meaning of "intended" in the context of this admission request, SFUSD admits that "Mr. Ramirez knew that he was answering 'yes' and he intended to do so" with respect to question 2 of page 3 of SFUSD's 1997 renewal application.

5. Prior to sending Attachment A to a representative of SFUSD for signature,

Mr. Ramirez conferred with Mr. Sanchez about what was required to be in the KALW public inspection file.

**ANSWER:** SFUSD objects to this Request to the extent that it seeks privileged information and/or attorney work product. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez conferred with communications counsel about the required contents of the KALW public inspection file before sending the station's license renewal application to a representative of SFUSD for signature.

6. In overseeing the preparation of the original of Attachment A, Mr. Ramirez was acting within the authority delegated to him by SFUSD.

**ANSWER:** SFUSD objects to this Request to the extent that the word "overseeing" and the phrase "acting within the authority delegated to him by SFUSD" as used in the Request are vague and ambiguous. SFUSD further objects to the extent that the Request calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez was authorized to prepare KALW's license renewal application in 1997, and that Attachment A is a true and accurate copy of that application.

7. In August 1996, Mr. Ramirez was provided information about the KALW public inspection file by the late Dave Evans, then chief engineer of KALW.

**ANSWER:** SFUSD objects to this Request to the extent that the phrase "provided information" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez had a conversation with



Mr. Evans during August 1996 concerning, at least in part, the KALW's public inspection file. SFUSD further responds that, according to Mr. Ramirez's recollection, that conversation took place during Mr. Ramirez's first few weeks as General Manager, and Mr. Evans refused to be specific as to how the public file might have been deficient. SFUSD also states that after the conversation with Mr. Evans, Mr. Ramirez endeavored, on an ongoing basis, to determine what was in the KALW public inspection file and what needed to be added to that file in order to ensure that it was complete.

8. Attachment B is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," which was prepared by Ms. Hecht in June 1997.

ANSWER: SFUSD admits that Attachment B to the Requests is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," and that Ms. Hecht prepared this document in June 1997.

9. Ms. Hecht gave the original or a copy of Attachment B to Mr. Ramirez in June 1997.

ANSWER: SFUSD admits that Ms. Hecht provided the original or a copy of Attachment B to the Requests to Mr. Ramirez in June 1997.

10. Mr. Ramirez read the original or a copy of Attachment B prior to the completion of the original of Attachment A.

ANSWER: SFUSD admits that Mr. Ramirez read the original or a copy of Attachment B to the Requests prior to the completion of the original of Attachment A to the Requests. SFUSD further states that Mr. Ramirez believed that this document prepared by Ms. Hecht was